

OFFICIAL COPY

Fresno, California

October 25, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Natalie Chamberlain of United Christian Church gave the invocation, and President Dages led the Pledge of Allegiance.

PRESENTATION TO DISTRICT 2 ORCHID AWARD WINNERS FOR 2005 - COUNCILMEMBER CALHOUN

Councilmember Calhoun and his staff presented awards to Robert & Shirley Emrick for Residential Architecture, to Bob & Karen McCaffrey, The McCaffrey Group, for Commercial Architecture, to Louis & Lisa Jelinek for Residential Landscaping, to Leo Wilson, Wilson Homes, for Commercial Landscaping, and to Thomas & Carla Heslin, who received the "Councilmember's Special Image" award.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE FALL QUARTER

Certificates of Appreciation were presented to Sharon Tittle, Mayor/Council/Manager/City Clerk Departments; David Sandbothe, Airports; Elida Rubio and Trudi Robertson, Finance Department; Rick Fultz, Fred Sawaske and Mike Zimmerman, Fire Department; Angie Flores, Darrell Taylor and Don Mahlman, Fresno Area Express (FAX); Joseph Oldham and Michael Peterson, General Services Department; Paul Pedron, Information Services Department; Cesar Alvarez, Wayne Fine, A. David Caglia and Kyle Jeffcoach, Parks, Recreation & Community Services Department; Robert Rodriguez, Personnel Services Department; Jim Melton and Pam Rodrigues, Planning & Development Department; Linda Lujan, Mary Ann Palacios, Kelly Keifer and Lee Harris, Police Department; Jess Garcia, Ed Pimentel, Timothy Tompsett, Mitchell Wallace, Bobbi Jensen-McKee, Wade Kammer and Gary Winkler, Public Utilities Department; and Emily Madrigal, Vickie Guevara, Steve Laine, Stacy Wharton and Mario Rocha, Public Works Department. A reception was held immediately following to honor the employees.

RECESS - 9:19 A.M. - 9:30 A.M.

APPROVE MINUTES OF OCTOBER 11, 2005:

(2 - 0) On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of October 11, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

"MAKE A DIFFERENCE DAY" COMMUNITY CLEAN-UP EVENT ON OCTOBER 22ND - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian thanked Councilmembers Westerlund, Perea, Calhoun and Sterling and their staff, his office staff, and everyone else who participated in and contributed to the successful event. Later during their comments Councilmembers Perea, Westerlund and Sterling commended Councilmember Boyajian and his staff for their work and efforts in putting on the event.

REQUEST TO CITY ATTORNEY TO LOOK INTO A "TWO STRIKES AND YOU'RE OUT" LAW FOR BUSINESSES WHO SELL ALCOHOL TO MINORS OR PROVIDE INFORMATION TO COUNCIL RELATIVE TO WHAT CAN BE DONE TO REVOKE VIOLATORS' CUPs - COUNCILMEMBER PEREA

Request made.

REPORT ON SPRINGFIELD, MISSOURI, TRIP TO MEET WITH BASS PRO EXECUTIVES - COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated he as the Agency Vice Chair, Mayor Autry, Redevelopment Director Murphey and Forest City officials made the trip to meet with Bass Pro and tour their 300,00 square foot store adding it was more than a retail venue and was amazing; stated the Mayor represented the city very well and meetings and discussions were very positive and explained; and spoke to Forest City's positive working relationship with Bass Pro and their professionalism and stated he would attempt to address any questions Council as the RDA Board may have. Later during his comments President Dages stated the Redevelopment Agency Board would be the ones making the decisions on Bass Pro and Forest City and not the Mayor's office and added it would be appropriate for Council to be made aware of any deals, trips and/or details. Additional discussion continued on this issue after the following comments by Councilmember Sterling and President Dages.

COMMENDATION TO PUBLIC WORKS DIRECTOR HEALEY FOR LAST WEEK'S TOUR - COUNCILMEMBER STERLING

Commendation made.

REQUEST ESTABLISHMENT OF AN ORDINANCE REQUIRING DEVELOPERS TO INSTALL TRAFFIC SIGNALS AS DEVELOPMENTS OCCUR - PRESIDENT DAGES

President Dages spoke to all the development taking place in the southeast and stated he was very frustrated that developers were not subject to installing signals and explained, and stated he wanted an ordinance requiring developers to install signals at major intersections near the developments and added staff instructing developers to install signals five years later was bad management. City Attorney Montoy stated her office would work with planning and public works on how that might be done without an ordinance and clarified if an ordinance is necessary the detailed process of studies and a nexus would have to occur. Later during his comments Councilmember Boyajian stressed cumulative impacts of *all* projects in an area need to be looked at and not just project by project impacts.

COMMENDATION TO: (1) AMBER ADAMS, PUBLIC WORKS DEPARTMENT, FOR HER ASSISTANCE TO DISTRICT 5; (2) PUBLIC UTILITIES AND PUBLIC WORKS STAFF FOR THEIR CLEANING AND UPKEEP AROUND THE FRESNO FAIR; AND (3) PARKS & RECREATION DIRECTOR COOPER FOR REPAIR OF SUNNYSIDE PARK - PRESIDENT DAGES

Commendations made.

ADDITIONAL COMMENTS ON THE MISSOURI BASS PRO TRIP AND FOREST CITY PROJECT

Relative to President Dages' earlier comment Councilmember Westerlund acknowledged the ultimate decision lied with the Redevelopment Agency, emphasized a project of this size and complexity was going to require an unprecedented level of cooperation between the city and agency and stated that was foremost in his mind, and added in his discussions with Forest City he requested they sit and meet with each council member individually to get member's input.

City Manager Souza clarified Mayor Autry visited Bass Pro at the request of Forest City and the Redevelopment Agency and did not set up the trip on his own, and added the Mayor's involvement was appropriate as every piece of information they have seen indicates this would be a city and RDA project and not one of the RDA alone.

Speaking as the RDA Chair Councilmember Boyajian stated the trip was a journey to engage with Bass Pro officials and not to make any deals, concurred collaboration was very important and spoke to the collaboration that has taken place, and stated bringing the Mayor to the table was great and thanked the Mayor stating he showed great leadership.

COMMENDATION TO AMBER ADAMS, PUBLIC WORKS, FOR HER ASSISTANCE TO DISTRICT 1 - COUNCILMEMBER BOYAJIAN

Commendation made.

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10/25/05

APPROVE AGENDA:

(1-N) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5215 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, S. ORANGE AVENUE BETWEEN E. CALIFORNIA AVENUE ALIGNMENT AND E. DWIGHT WAY

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR, AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE NECESSARY DOCUMENTS

Laid over one week at the request of staff.

(1-O) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5235 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, S. MINNEWAWA AND E. CHURCH AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR, AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE NECESSARY DOCUMENTS

Removed from the agenda at the request of staff.

(10:20 A.M.) CONTINUED DELIBERATIONS ON R-04-104 AND ENVIRONMENTAL FINDINGS, FILED BY CLIFFORD TUTELIAN ON BEHALF OF PARK PLACE HOLDINGS, SOUTHWEST CORNER OF N. PALM AND W. NEES AVENUES

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-104/C-04-318
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO C-P/UGM

Laid over one week.

(2:00 P.M. #2) CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: DUPONT COMMERCIAL FLOORING SYSTEMS, INC., ETC. V. COF, MAULDIN-DORFMEIER CONSTRUCTION, INC., ET AL, AND CONSOLIDATED AND CROSS-ACTIONS

Removed from the agenda.

(9:45 A.M.) CONTINUED HEARING ON R-04-08 AND ENVIRONMENTAL FINDINGS, FILED BY R.J. HILL HOMES, S. TEMPERANCE BETWEEN E. HAMILTON AND THE E. CALIFORNIA AVENUE ALIGNMENT

1. CONSIDER AND ADOPT E.A. NO. R-04-108/T-5464/C-04-325, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM

Continued to November 1, 2005, at 9:45 a.m., at the request of President Dages.

(10:05 A.M.) CONTINUED HEARING ON R-05-33 AND ENVIRONMENTAL FINDINGS, FILED BY PROVOST AND PRITCHARD, INC., ON BEHALF OF RZR ENTERPRISES, E. CHURCH AND S. PEACH AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-33/T-5436/C-05-110, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

Continued to November 1, 2005, at 10:05 a.m., at the request of President Dages.

(4:00 P.M.) HEARING ON 2005 CYCLE II TRIMESTER PLAN AMENDMENTS

1. PLAN AMENDMENT NO. A-04-23, R-03-76, FILED BY MORNING DEVELOPMENT II, LLC
2. PLAN AMENDMENT NO. A-04-27, R-04-86, FILED BY LAND DYNAMICS
3. PLAN AMENDMENT NO. A-04-37, R-04-112, CUP NO. C-04-341, FILED BY DERREL'S MINI STORAGE
4. PLAN AMENDMENT NO. A-05-01, R-05-15, FILED BY LENAR HOMES
5. PLAN AMENDMENT NO. A-05-03, R-05-32, FILED BY FRESNO SUPREME
6. PLAN AMENDMENT NO. A-05-04, R-05-34, FILED BY CENTRAL VALLEY RV
7. PLAN AMENDMENT NO. A-05-05, R-05-12, FILED BY VALLEY LAND DEVELOPMENT, INC.
8. PLAN AMENDMENT NO. A-05-06, R-05-35, CUP NO. C-05-114, FILED BY SOL DEVELOPMENT ASSOCIATES LLC ON BEHALF OF KEMBACK LLP
9. PLAN AMENDMENT NO. A-05-07, R-05-36, FILED BY SOL DEVELOPMENT ASSOCIATES LLC ON BEHALF OF WINSTON CAPITAL GROUP LLC AND THE HAZEL TERZIAN LIVING TRUST

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10. PLAN AMENDMENT NO. A-05-08, R-05-37, FILED BY SOL DEVELOPMENT ASSOCIATES LLC
(Continue to November 1, 2005, at 4:00 p.m.)

Continued as noted.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, expressed various concerns with Items **1-B, 1-L, 1-R** and **2-A**.

Councilmember Boyajian pulled Item **1-L**, Councilmember Calhoun pulled Item **1-M**, and President Dages pulled Item **1-C** from the Consent Calendar for discussion at 2:00 p.m.

(1-A) APPROVE AND AUTHORIZE RENEWAL OF THE CONTRACT BETWEEN THE POLICE DEPARTMENT AND THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) TO PROVIDE BASIC MOTORCYCLE TRAINING TO QUALIFIED LAW ENFORCEMENT PERSONNEL WHO ARE FULL-TIME, ON-DUTY EMPLOYEES OF POST REIMBURSABLE AGENCIES

(1-B) RESOLUTION NO. 2005-453 - 33RD AMENDMENT TO AAR 05-286 APPROPRIATING \$248,000 FOR PREVIOUSLY APPROVED PG&E INCENTIVE FUNDING FOR ENERGY EFFICIENCY IMPROVEMENTS

(1-D) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$125,566.58 TO PRUDENTIAL OVERALL SUPPLY FOR LINEN AND DUST CONTROL SERVICES USED BY VARIOUS CITY DEPARTMENTS

(1-E) ADOPT R.I. NO. 1046-D FOR THE VACATION OF A PORTION OF E. ASHCROFT AVENUE AT N. SHARON AVENUE, AND SETTING THE PUBLIC HEARING FOR NOVEMBER 15, 2005, AT 10:00 A.M.

(1-F) ADOPT R.I. NO. 1047-D FOR THE VACATION OF A WATER MAIN EASEMENT LOCATED SOUTH OF HERNDON AVENUE BETWEEN FORKNER AND WEST AVENUES, AND SETTING THE PUBLIC HEARING FOR NOVEMBER 15, 2005, AT 10:15 A.M.

(1-G) RESOLUTION NO. 2005-454 - INTENT TO ESTABLISH A SPECIAL TAX DISTRICT (CFD NO. 11) AND AUTHORIZE THE LEVY OF A SPECIAL TAX FOR THE MAINTENANCE OF CERTAIN FEATURES IN AND NEAR FINAL TRACT MAP NO. 5368

(1-H) RESOLUTION NO. 2005-455 - INTENT TO ANNEX FINAL TRACT NO. 5278 AS ANNEXATION NO. 108 TO CFD NO. 2 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-I) RESOLUTION NO. 2005-456 - INTENT TO ANNEX FINAL TRACT NO. 5412 AS ANNEXATION NO. 107 TO CFD NO. 2 AND AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-J) AWARD A CONTRACT IN THE AMOUNT OF \$174,779 TO CROWN CONTRACTING, INC. FOR INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF CLINTON AVENUE AND NINTH STREET

(1-K) RESOLUTION NO. 2005-457 - 35TH AMENDMENT TO AAR 05-286 APPROPRIATING \$77,800 TO PURCHASE A THERMOPLASTIC SPRAY UNIT TO BE INSTALLED ON THE PREVIOUSLY PURCHASED STREET DIVISION THERMO UNIT TRUCK

1. AWARD A CONTRACT TO TMT-PATHWAY, LLC OF SALEM, OR, IN THE AMOUNT OF \$77,742 TO PURCHASE ONE THERMOPLASTIC STENCIL SPRAY UNIT

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(1-P) RESOLUTION NO. 2005-458 - APPROVING THE FINAL MAP OF TRACT NO. 5248 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, S. SUNNYSIDE AND E. JENSEN AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING CERTAIN FIRE PROTECTION TO BE PROVIDED AND MAINTAINED
3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS
4. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS ACKNOWLEDGING RIGHT-TO-FARM LAW

(1-Q) RESOLUTION NO. 2005-459 - APPROVING THE FINAL MAP OF TRACT NO. 5510 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. SHARON AND E. ASHCROFT AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE DEED OF AVIGATION AND HAZARD EASEMENT
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICE
3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR BUYER NOTIFICATION OF NOISE LEVELS AND HOLD HARMLESS

(1-R) RESOLUTION NO. 2005-460 - 36TH AMENDMENT TO AAR 05-286 APPROPRIATING \$102,700 IN GRANT FUNDS FROM THE STATE INTEGRATED WASTE MANAGEMENT BOARD FOR REMOVAL OF ILLEGALLY DUMPED TIRES FROM ROADWAYS, ALLEYS AND OTHER PUBLIC RIGHT-OF-WAYS

(1-S) RESOLUTION NO. 2005-461 - 6TH AMENDMENT TO SALARY RES. 05-290 MODIFYING THE SALARIES IN EXHIBIT 4, NON-SUPERVISORY POLICE TO REFLECT INCREASES APPROVED BY COUNCIL ON 2/24/04

(1-T) BILL NO. B-117 - ORDINANCE NO. 2005-121 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE DISPLAY OF PRODUCTS CONTAINING PSEUDOEPHEDRINE AND/OR EPHEDRINE

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY DAVID WELLS REGARDING NEED FOR JOBS AND HIS PROPOSAL FOR A COMPREHENSIVE BUSINESS PLAN FOR THE CITY TO CREATE JOBS

Appearance made/no action taken.

APPEARANCE BY GERALD CHIARITO, DOWNTOWN RESTAURANT OWNER, REQUESTING AN INCREASE IN THE NUMBER OF CARD ROOM TABLES ALLOWED IN THE CITY

Appearance made with City Attorney Montoy recommending a meeting be set up with Mr. Torito, her office and the police department to explain the rules and options.

APPEARANCE BY JOSE LUIS BARRAZA, 4243 E. THOMAS, PROVIDING AN UPDATE ON THE RECENT PEOPLE'S HOUSING SUMMIT

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Update given.

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING SOUTHWEST FRESNO ISSUES AND CONCERNS

Appearance made/no action taken.

CITY PURSUAL OF THE RAIL MAINTENANCE YARD - COUNCILMEMBER CALHOUN

Referencing earlier speaker comments Councilmember Calhoun stated Fresno was the logical place for the facility assuming high speed rail comes in and advised the application has been submitted and the city was on top of the issue.

JOB CREATION - COUNCILMEMBER BOYAJIAN

Referencing earlier speaker comments Councilmember Boyajian concurred sometimes the city does not look inwards and looks at other parts of the country to provide jobs, stated more needed to be done within the community, and added the Redevelopment Agency was taking the matter seriously.

(9:15 A.M.) DISCUSSION ON THE ISSUE OF VICIOUS PIT BULLS AND DIRECTION TO STAFF AS NEEDED TO PURSUE NEW CITY LAWS TO EFFECTIVELY DEAL WITH DANGEROUS DOGS - COUNCILMEMBER CALHOUN

Councilmember Calhoun read his memo to Council into the record **(3 - 0)**, requested Council's input on their experiences and/or level of concern and consideration of four staff direction options he was presenting, and advised of a personal experience of his touring the SPCA and its dangerous dog facility. District 2 Council Staff Assistant McDonald spoke to District 2's office history with the issue and explained why pit bulls were being focused on and why they were in the SPCA's "horror room" (dangerous dog facility). Councilmember Calhoun concluded stating his office had done a lot of work on the issue, advised Norm Minson of the SPCA was in attendance to answer any questions, and noted the city attorney had also provided a separate formal response.

Speaking to the issue were: David Wells, support of the issue, who also provided written material to Council, a copy of which is on file in the office of the city clerk; Gloria Torres, who spoke in opposition stating pit bulls are taught bad behavior; Barbara Hunt, 2475 S. Walnut, opposed and who stated dogs were for protection and were doing their job; and Jose Luis Barraza, 4243 E. Thomas, opposed, who stated handlers were the problem and not the dog.

Councilmember Boyajian stated he felt the cart was being placed before the horse and he wanted a report from the city attorney on the law and a recommendation, and questioned if it was even possible to ban a certain breed of dog and if the city attorney could report back on what legal alternatives were available. City Attorney Montoy responded to questioned and explained the city's current ordinance on dangerous dogs as outlined in the memo she submitted. Councilmember Boyajian made a motion to refer the matter to the city attorney to report back in 30 days with alternatives, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Westerlund requested a workshop be held, advised of an incident that occurred in his district and stated he felt enforcement was where there was a falling down, and stated he wanted to see where current laws stood and how animal control could be more active and involved in enforcement. Councilmember Duncan stated he supported the motion, he was opposed to staff spending time targeting a specific breed, clarified the issue was vicious dogs and not a certain breed and elaborated, and stated the city already had an aggressive vicious dog ordinance and enforcement of the law needed to be addressed aggressively. Ms. Montoy stated her office would work with the city manager's office and the SPCA on the issues of leash law enforcement and SPCA involvement, and Councilmember Duncan requested the report also include what resources are needed to address the problem. Councilmember Sterling stated she supported the motion and comments made by all, requested consideration be given on the impact any additional fees would have on the poor and elderly, and commended Councilmember Calhoun and Mr. McDonald for their presentation and Mr. Minson for attending and operating a humane organization.

Norm Minson, executive Director of the SPCA, stated the SPCA would have a difficult time supporting a ban on a specific breed and spoke further to the issue, to the SPCA's contract with the city for services, to the city's current strong ordinance, and to the ordinance recently adopted by Fresno County.

Councilmember Boyajian requested staff include Mr. Minson in discussions/meetings and stated he supported a workshop with all necessary parties involved.

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On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the city attorney directed to report back in 30 days with alternatives, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:00 A.M.) HEARING ON THE VACATION OF A PORTION OF E. HARVEY AVENUE EAST OF N. CLOVIS - R.I. 1045-D
1. RESOLUTION NO. 2005-462 - ORDERING THE VACATION OF THE ABOVE

President Dages announced the time had arrived to consider the issue and opened the hearing.

Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Westerlund advised he has been in regular communication with Gallo Winery and was supportive of the vacation and made a motion to approve staff's recommendation.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-462 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:30 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986 TO CONSIDER THE PROPOSED ISSUANCE OF REVENUE REFUNDING BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO REFINANCE A 240-UNIT MULTI-FAMILY RENTAL HOUSING DEVELOPMENT KNOWN AS VILLAGE AT NINTH APARTMENTS

1. RESOLUTION NO. 2005-463 - APPROVING THE ISSUANCE OF BONDS BY THE CSCDA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000

President Dages announced the time had arrived to consider the issue and opened the hearing. Interim Finance Director/Controller Bradley stated this hearing and the following hearing could be run back to back with each other and gave an in-depth overview of the two issues, all as contained in the staff reports as submitted, and recommended the resolutions be adopted.

Barbara Hunt, 2475 S. Walnut, questioned what was being done here and why the city was involved.

Upon call, no one else wished to be heard and President Dages closed the hearing.

(4 - 0) Councilmember Westerlund clarified no city funds were involved, stated this was a great affordable housing project that all council districts would like to have, and made a motion to approve staff's recommendation. A representative of the developer responded briefly to questions of Councilmember Boyajian and/or clarified issues relative to whether the project would stay as affordable housing, the amount invested, financing issues, and improvements that would be made.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-463 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

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(10:45 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986 TO CONSIDER THE PROPOSED ISSUANCE OF REVENUE REFUNDING BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO REFINANCE A 240-UNIT MULTI-FAMILY RENTAL HOUSING DEVELOPMENT KNOWN AS VILLAGE AT SHAW APARTMENTS

1. RESOLUTION NO. 2005-464 - APPROVING THE ISSUANCE OF BONDS BY THE CSCDA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000

President Dages announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy clarified Interim Finance Director/Controller Bradley made a joint report on the prior and subject hearings and her comments were incorporated herein.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who spoke to affordable housing needs; and Jose Luis Barraza, Systems Change Advocate for the Center for Independent Living/Housing Partnership for the Disabled, who spoke in support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Westerlund stated this was another well-done project and made a motion to approve.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-464 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(2-A) RESOLUTION NO. 2005-465 - 39TH AMENDMENT TO AAR 05-286 APPROPRIATING \$500,000 IN VARIOUS FUNDS FOR MEDIAN ISLAND IMPROVEMENTS

City Manager Souza clarified this issue was here at Council direction, thanked staff for identifying the funding sources, and clarified this would not impact the general fund.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

The city manager and staff were commended for their work and the tremendous improvements that have been made, and Councilmembers Boyajian and Duncan presented questions relative to the funds including the breakdown, if they had been sitting "in limbo", how they would be appropriated, and if any would be used to remove the dangerous weed situation that still exists on Freeway 41 north of Herndon, with Mr. Souza responding. Councilmember Calhoun stated with these funds and the other initiatives previously approved things were close to getting back on track and made a motion to approve.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-465 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(2-B) BILL NO. B-119 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO STREET TREES AND PARKWAYS

City Attorney Montoy advised the ordinance amendment was here due to a concern of Councilmember Boyajian on nuisance types of impacts caused by city trees on private property, and clarified this was a policy matter that would just provide property owners with another avenue to address impacts by city trees.

Barbara Hunt, 2475 S. Walnut, spoke in support of the ordinance.

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Councilmember Boyajian thanked the city attorney, clarified this was not anti-tree and the ordinance was really needed especially for the elderly, and made a motion to introduce the ordinance, which motion was seconded by Councilmember Sterling.

Discussion ensued with Ms. Montoy and City Manager Souza responding to questions and comments of Councilmembers Calhoun and Westerlund at length relative to whether this would allow someone who does not like a tree to cut it down, what risk management's position was, this being a financial call and what the financial liability was to the city, if staff saw anything where this could potentially trigger additional claims, hope that this will not lead to large unanticipated costs, the current process, concern with department coordination and ability to maintain records since property owners will be able to go to specific departments to address concerns prior to them becoming problems, if staff saw any statue of limitation problems, and if this ordinance did not apply to sidewalks or parkways. President Dages commended staff on the ordinance stating it was consumer friendly.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-119 introduced before the City Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(2-C) RESOLUTION NO. 2005-466 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR A LOW INTEREST LOAN FOR CONSTRUCTION OF IMPROVEMENTS TO THE ENTERPRISE CANAL, AND AUTHORIZING EXECUTION OF DOCUMENTS

Interim Public Utilities Director Weimiller gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval. A motion was made to adopt the resolution.

Barbara Hunt, 2475 S. Walnut, stated the city of Clovis should be involved, spoke to the issues of bonds and water wells, and stated a water workshop was needed.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-466 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(3-A) REQUEST FOR UPDATE FROM THE CITY MANAGER ON STATUS OF IMPLEMENTING A MARKETING PLAN FOR ROEDING BUSINESS PARK. UPDATE SHOULD INCLUDE AN ESTIMATE FROM PUBLIC WORKS ON ADDITIONAL INFRASTRUCTURE INVESTMENT REQUIRED BY THE CITY AT THE SITE - COUNCILMEMBER CALHOUN

City Manager Souza stated staff was planning to provide a report after Council considered the two agency items scheduled for 3:00 p.m. today adding to talk about this now might be a bit premature. Councilmember Calhoun stated for years the Redevelopment Agency has been seen -- maybe mistakenly -- as the major development entity as far as the Roeding Business Park is concerned, clarified he scheduled the matter to make sure Council hears from the city side noting sometimes the city is not seen as a partner and emphasized they were, and stated he did not want to withdraw the matter but would pull it for now/place it in a temporary pattern and per the city attorney's suggestion possibly schedule it again in the future if he feels it is necessary. There was no further discussion.

(3-B) CONSIDER APPROVAL OF SALARY INCREASE FOR THE CITY CLERK - COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated after closed session discussions he was proposing a 4.5% salary increase **(5 - 0)**, relative to evaluation of Council appointees stated Council would try to evaluate employees in a more regular fashion in the future, and made a motion to approve the increase, which motion was seconded by Councilmember Duncan.

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Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, support; and Gloria Torres, opposed.

Councilmember Calhoun agreed Council needed to conduct evaluations on an annual basis, relative to the proposed increase stated 4.5% was a reasonable one year increase but he felt it was not an adequate increase since 2002, and made an amendment to approve a 4.5% increase with a one-time lump sum \$2,000 payment. Discussion ensued on the original motion on the floor, if the motion-makers needed to agree to the amendment, and if the amendment could be seconded and acted upon, with City Attorney Montoy responding, clarifying past practice, and stating Council could decide which way to go. Councilmember Sterling seconded Councilmember Calhoun's amended motion. Councilmembers Westerlund and Boyajian presented questions relative to whether the \$2,000 was a one-time payment, what the committee's recommendation was, and how the proposed figure was arrived at, with Councilmembers Calhoun and Westerlund responding. President Dages stated he would not support the amended motion as he disagreed with making changes of this nature and added Council went through this with the city attorney and was embarrassing themselves again.

A motion of Councilmember Calhoun, seconded by Councilmember Sterling, to approve a 4.5% increase with a \$2,000 one-time bonus payment failed, by the following vote:

Ayes :	Calhoun, Sterling
Noes :	Boyajian, Duncan, Perea, Westerlund, Dages
Absent :	None

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, a 4.5% salary increase for the City Clerk hereby approved, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

LUNCH RECESS - 12:05 P.M. - 2:00 P.M. Councilmember Sterling arrived later.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-C) APPROVE LEASE AGREEMENTS WITH FOUR (4) TENANTS FOR OCCUPANCY OF THE COMMERCIAL PORTION OF THE VAN NESS AND MERCED GARAGE FACILITY

President Dages stated his concerns were addressed by staff and made a motion to approve.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the lease agreements with Sterling McElroy at 1231 Van Ness avenue, Vivian Sanders d.b.a. All About Nails at 1241 Van Ness, Pearlstein and Associates, d.b.a. Lucky Bail Bonds at 1243 Van Ness, and Marline Feldstein d.b.a. State Jewelry and Loan at 1249 Van Ness Avenue hereby approved, and the city manager or designee authorized to sign the lease agreements as approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	None
Absent :	Sterling

(1-L) RESOLUTION NO. 2005-467 - 37TH AMENDMENT TO AAR 05-286 APPROPRIATING \$1,151,500 AND REALLOCATING

\$1,900,000 IN UGM NEIGHBORHOOD PARK SERVICE AREA 2 FUNDS TO FUND CONSTRUCTION OF AL RADKA PARK
1. AWARD CONTRACT IN THE AMOUNT OF \$2,770,545.20 TO AMERICAN PAVING CO. FOR CONSTRUCTION OF AL RADKA PARK

Assistant PR&CS Director Haynes responded to questions of Councilmember Boyajian relative to Park Service Area 2, if funds were being taken just from that area, priorities and concern that other park projects are being stopped for new projects, need for the parks commission to address the issue of priorities, what will happen to the parks where nothing is happening, and if park projects in Area 2 were being stopped due to new projects. A motion and second was made to approve staff's recommendation. Councilmember Sterling arrived at 2:04 p.m. during questioning.

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Councilmember Calhoun elaborated on the new park impact fee funds, staff wanting first call on the funds, project priorities and a planned park in his district, and concern with borrowing from the new funds, and presented questions relative to why the cost for this project was so high, why Council should move forward on something that is much more expensive than originally planned, and why a debt should immediately be assigned to the new park fee funds when no one else has had a chance to weigh in, with Mr. Haynes, Professional Engineer Olson and City Manager Souza responding and clarifying issues. Councilmember Calhoun stated a better explanation was needed on how this huge gap was arrived at, the information received was incomplete, it was entirely inadequate to make a decision on something that is predicated on an artificial deadline, and the parks commission needed to look at these issues.

Upon question of Councilmember Westerlund City Attorney Montoy stated Council could start appointing members to the parks commission and Mr. Souza explained the application process. Councilmember Westerlund stated Councilmember Calhoun's concerns on what will be borrowed and from where were valid, stated the estimates did change quite a bit and he also wanted additional information to make an informed decision, stated he did not feel a one week delay would affect anything (with Ms. Olson responding), and made a motion to table the matter one week.

A motion of Councilmember Westerlund, seconded by Councilmember Calhoun, to table the matter one week for additional information failed, by the following vote:

Ayes :	Calhoun, Westerlund
Noes :	Boyajian, Duncan, Perea, Sterling, Dages
Absent :	None

Councilmember Calhoun stated from what he just occurred he was hearing he could schedule on the agenda his planned district park and borrowing the necessary funds, with Mr. Souza clarifying the issue this date was funding a project that had already been approved and bid out and this was different from a project that Council as a whole body had not yet approved. Councilmember Calhoun stated he would bring his district park before Council and follow this same procedure so Council can have the chance to vote it up or down.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-467 hereby adopted, and a contract in the amount of \$2,770,545.20 awarded to American Paving Co. for the project, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

(1-M) APPROVE AN AGREEMENT ON PLANS FOR SUCCESS WITH THE FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

Councilmember Calhoun stated he was surprised this matter was here and questioned to why it was before Council as a policy body and what this plan would accomplish, with Personnel Services Director Bond and City Manager Souza responding and clarifying issues.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the agreement reached with the Fresno City Employees Association (FCEA) on Plans for Success hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None

Absent : None

(2:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

2. DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. MARCOS ANTONIO BALLESTEROS, ET AL.

3. ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

- (a) CALTRANS V. COF (FANCHER CREEK)
- (b) ROLANDO GASCA CELDON V. COF

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The City Council met in closed session in Room 2125 at the hour of 2:37 p.m. to consider the above matters and reconvened in regular open session at 3:30 p.m.

(2:30 P.M.) HEARING ON R-04-68 AND ENVIRONMENTAL FINDINGS, FILED BY MICHAEL SUTHERLAND AND ASSOCIATES ON BEHALF OF SPRADLING CONSTRUCTION, INC., PROPERTY LOCATED ON N. SALINAS AVENUE ALIGNMENT AND THE NORTHEAST SIDE OF THE HERNDON CANAL SOUTH OF THE W. SAN JOSE AVENUE ALIGNMENT

1. CONSIDER AND ADOPT E.A. NO. R-04-68/T-5388/V-05-07, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-120 - ORDINANCE NO. 2005-122 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A/UGM TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing.

Planning & Development Director Yovino gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-68/T-5388/V-05-07, dated August 18, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-120 adopted as Ordinance No. 2005-122, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(2:45 P.M.) HEARING ON SITE PLAN REVIEW APPLICATION NO. S-04-547, AND ENVIRONMENTAL FINDINGS, FILED BY SCOTT VINCENT OF THE VINCENT COMPANY ON BEHALF OF HOBACK LLC, SOUTH SIDE OF W. BULLARD BETWEEN N. HAYES AND N. POLK AVENUES - 5695 W. BULLARD AVENUE

1. CONSIDER AND ADOPT E.A. NO. S-04-547, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2005-468 - APPROVING SITE PLAN REVIEW APPLICATION NO. S-04-547

President Dages announced the time had arrived to consider the issue and opened the hearing.

Planner Brock gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Calhoun spoke to the history of the property stating it had been contentious, and stated he was very pleased with everything the developer did and made a motion to approve.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-68/T-5388/V-05-07, dated August 18, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-120 adopted as Ordinance No. 2005-122, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:38 p.m. and convened in joint session with the Redevelopment Agency.

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APPROVE AGENCY MINUTES OF OCTOBER 11, 2005

On motion of Councilmember Duncan, seconded by President Dages, duly carried, RESOLVED, the Agency minutes of October 11, 2005, approved as submitted.

("A") REQUEST CITY AND AGENCY STAFF TO RETURN TO COUNCIL WITH AN ACTION PLAN AND TIME-LINE FOR MAKING ROEDING BUSINESS PARK A SUCCESS - COUNCILMEMBER CALHOUN

-and-

("B") CONSIDER APPROVAL OF A 12-MONTH EXCLUSIVE NEGOTIATING AGREEMENT (ENA) BETWEEN THE AGENCY AND THE SPAN DEVELOPMENT GROUP FOR DEVELOPMENT OF THE 200 ACRE DEVELOPMENT SITE WITHIN THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA, AND AUTHORIZE STAFF TO INITIATE ANY NECESSARY CEQA REVIEW AND ANY OTHER NECESSARY DOCUMENTS (AGENCY ACTION)

Chair Boyajian stated the above matters were related and upon his question Councilmember Calhoun agreed to combining them and hearing item "B" first.

Executive Director Murphey reviewed item "B", all as contained in the staff report as submitted, addressed Councilmember Calhoun's issues (item "A"), recommended approval of the ENA and staff authorizations, advised Keith Harris of Span Construction and team member Lou Genise of Pearson were present, and responded to questions of Chair Boyajian relative to whether the ENA could be called an action plan and if Span would now come in and help with sales and basically implement what is now set out with the infrastructure.

Keith Harris, Span Construction, stated they were excited to turn this into a very large development for the city and this was an opportunity for the city to bring in large companies for major employment.

Councilmember Westerlund spoke in support of the issue and Span Construction at length, noted this was an industrial area and would take years for full build-out, and thanked everyone who worked on the issue and made a motion to approve staff's recommendations, which motion was seconded by Councilmember Duncan.

Councilmember Duncan stated the process and getting to this point had been long and arduous and upon his request Ms. Murphey spoke to challenges, obstacles and damage the passage of SB 975 has presented and its huge impact on Roeding in terms of getting the industrial park going. Chair Boyajian spoke to the issues of jobs and poverty, stated many people put a lot of work and money into this project and he felt Roeding Business Park (RBP) was a start to mitigate the city's unemployment rate, and Lou Genise and Assistant City Manager Ruiz responded to his questions and/or clarified issues relative to what Span was envisioning for the park, what kinds of things Span would be looking at and enacting, the city's lengthy processing time being an impediment, staff agreeing to a shorter processing time, and importance of collaborating so no businesses are lost.

Councilmember Calhoun elaborated on the issue at length including the projects' history, his support for RBP from the start and for the motion this date, concern with the amount of time it has taken to get to this point and questioning how much longer it will take for build-out, him having three years left on council and wanting to see something done, need to attract more than a bunch of warehouses or distribution centers with minimum wage jobs as that is not what his idea of what RBP should be, and past delays being due to the way the Redevelopment Agency is structured (separate from the city) and confusion relative to who is responsible for marketing (the

city/Agency/EDC?); read the last two paragraphs of his memo as submitted to Council into the record relative to his discouragement at the glacial pace for completion and use of RBP, request that Council consider imposing a time-line/deadline on implementing a plan/strategy to create opportunities for the city, and request to city staff working with the city's economic development department, the Agency and the EDC to return to Council with an action plan and time-line on how RBP will be the success that has long been talked about; and concluded stating it was his hope the pieces would fall into place and RBP will come together.

Councilmember Westerlund stated Councilmember Calhoun's opinions did not reflect other members' opinions that he was aware of; **(7 - 0)** relative to processing time-lines stressed planning & development *must* act fast and get site plan reviews or whatever is required out in a timely fashion and added that was not an issue of the Agency being a separate entity; and offered his assistance to Span to do whatever he could to make the plans move expeditiously and suggested Council consider setting up a task force that meets weekly to ensure things move along. Councilmember Duncan spoke to the project's history and challenges and stated RBP has not been ignored or sandbagged and explained, spoke to his commitment and active involvement in getting the park going, and stated he was very proud of the work that has occurred even though it has not been perfect and added he had great confidence in the master developer and would continue to do all he could to help make RBP a success.

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On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, a twelve (12) month Exclusive Negotiation Agreement between the Redevelopment Agency and the Span Development Group for master planning and development of the 200 acre site (area located between West and Marks Avenues on the east and west, and the Union Pacific Branch Line, Neilsen Avenue, and Freeway 180 West alignment on the north and south) within the Roeding Business Park hereby approved; Agency staff authorized to initiate any review under CEQA required for a Master Development Agreement, if any, and plans for development including a traffic study and historical survey, and prepare any other necessary related documents; and the Executive Director authorized to negotiate minor modifications as may be necessary to finalize and carry out the intents and purposes of the Agency Board with approval as to form by the city attorney's office, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
 Noes : None
 Absent : None

(C) APPROVE THE ACQUISITION OF FIVE (5) PROPERTIES IN THE HOPE VI PROJECT, AREA BOUND BY CALIFORNIA, WALNUT, FLORENCE AND PLUMAS (108 E. ATCHISON, 129 E. FLORENCE, 125 AND 138 E. LORENA, AND APN 477-142-04 LOCATED ON THE SOUTH SIDE OF E. LORENA BETWEEN PLUMAS AND WALNUT, WEST OF EDISON HIGH SCHOOL)
(AGENCY ACTION)

Councilmember Sterling recused herself from the proceedings due a conflict of interest stating her family owned property in the area and left the meeting at 4:23 p.m.

Senior Real Estate Agent Hansen and Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, advised this action would advance implementation of the Hope VI Project, and upon questions of Chair Boyajian and Councilmember Westerlund stated the timeline for the Hope VI Project was 5 to 10 years, the acquisitions were completely voluntary, and property owners agreed to the purchase prices.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, **RESOLVED**, the acquisition of five properties in the Hope VI Project area hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Boyajian
 Noes : None
 Absent : None
 Recused : Sterling

The joint bodies adjourned their meeting at 4:26 p.m. and the City Council reconvened in regular session at 4:27 p.m. Councilmember Sterling returned to the meeting.

(3:15 P.M.) HEARING ON R-05-60 AND ENVIRONMENTAL FINDINGS, FILED BY DAVID STORER ON BEHALF OF CONTOUR DEVELOPMENT, SOUTH OF W. HERNDON, NORTH OF W. SIERRA, EAST OF THE SOUTHERN PACIFIC

RAILROAD RIGHT-OF-WAY, AND WEST OF N. BRYAN AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-60, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. **BILL NO. B-121 - ORDINANCE NO. 2005-123** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO M-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain gave an overview of the issue, all as contained in the staff report as submitted.

Applicant David Storer stated he concurred with staff's recommendation and requested approval.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Mr. Storer and Ms. Chamberlain responded to questions of Councilmember Boyajian relative to what the plans were for the property, what kind of industrial development the applicant would try to attract, if the railroad was an important part of the plans, how a traffic study could be conducted when the use was unknown at this time, what types of uses would be allowed, and if the applicant was planning to attract uses with minimal impacts to the area.

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Councilmember Calhoun thanked the applicant, stated there was an opportunity here for some creative uses, and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-60, dated September 15, 2005, that the project proposal conforms to the provisions of the 2025 General Plan MEIR hereby approved, and the above entitled Bill No. B-121 rezoning the subject site adopted as Ordinance No. 2005-123, subject to the conditions that (1) a Traffic Impact Study (TIS) shall be required to be submitted to the city upon the submittal of any entitlement application for development (e.g., site plan review, conditional use permit, or tentative map) of the subject property, and (2) if portions of the project are phased, the traffic study shall cover the entire property upon the submittal of the application for the first phase of development, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

RECESS - 4:35 P.M. - 4:41 P.M.

(3:30 P.M.) ESTABLISH A COUNCIL-DESIGNATED CORE GROUP TO EXAMINE AND ADDRESS POVERTY IN THE CITY INCLUDING THE FEASIBILITY OF ESTABLISHING A POVERTY TASK FORCE - COUNCILMEMBER STERLING

Councilmember Sterling submitted two maps to Council with one showing the actual concentrated areas of poverty reflective mostly of district 3 and the other showing the overall concentration of poverty city-wide; spoke to the Brookings Institution report and findings, the issue of poverty in Fresno, the press conference that was held, and to her proposal for a Council-designated core-group including their charge, goals and objectives; and made a motion to establish a Council-designated core group as outlined above, which motion was seconded by Councilmember Calhoun.

Speaking in support of the motion, to the issue of poverty, and/or providing suggestions to address the poverty issue were: David Wells; William R. Milton, Sr.; Susan Good, representing Senator Dean Florez' office, who read a letter of support from the Senator into the record, a copy of which is on file in the office of the city clerk; Javier Guzman, Chair, Chicano Youth Center; Jeff Garner, Catholic Charities, Family Resource Center Manager; Jose Luis Barraza; Tate Hill, on behalf of Fresno West Coalition for Economic Development; Lewis Coleman (**8 - 0**); Pastor Booker Lewis, Rising Star Church; Gloria Torres; and Woody Miller.

Lengthy discussion ensued. Councilmember Boyajian elaborated on the Council's and city's responsibilities and their ability to direct federal dollars to assist the poor and on how those funds should not go to supplement city departments. Councilmember Westerlund spoke to the city's unemployment level, need for jobs, need to advance existing industries, and the loss of vocational education, with Councilmember Sterling clarifying the group would address unemployment and vocational issues and explained. Councilmember Perea spoke to the need to get commitments from other responsible bodies, entities and government organizations, offered his assistance, and suggested the group look into the city providing prescription drug discount cards and explained. Councilmember Duncan presented

questions and commented on various issues relative to whether the group would focus solely on concentrated poverty areas or go broader, timeframe for a report back, if FUSD representatives would be included for input, suggestion to add a city staff person for coordination, the intent to target unique areas and if overall core issues would be dealt with, jobs and the need for a qualified work force, importance of everything being on the table, i.e. illegal immigrants, the challenge of being able to speak English being another big challenge, and hope that the group is open-minded, looks at the hard issues and approaches issues from an aggressive standpoint, with Councilmember Sterling and District 3 Assistant Martinez responding to questions/clarifying issues throughout.

City Manager Souza stated this issue was something that was very serious to the Mayor and this discussion was appreciated; relative to Councilmember Boyajian's comments clarified the city has made significant efforts and headway in weaning the police and code enforcement departments off federal CDBG funds and explained; and spoke briefly to city programs and projects that are funded and acknowledged there was much more work to do. Councilmember Sterling acknowledged significant inroads have been made and urged staff to continue those efforts as this one city.

President Dages stated the quality of a city is determined by how the poor and working poor are treated and stated the city's quality needed to improve a great deal, stated some people needed to get over the idea that delivering pizzas was a career opportunity, spoke to the importance of a decent job to be able to afford and purchase a home, and stated he was very frustrated with the poverty issue and a lot needed to be done and volunteered to serve on the core-group.

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On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, a Council-designated core group hereby established to examine and address poverty in the city including the feasibility of establishing a Poverty Task Force, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:55p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the 1st day of November, 2005.

_____/s/_____
Mike Dages, Council President

_____/s/_____
ATTEST: Yolanda Salazar, Assistant City Clerk

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